

Exhibit A



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SEVENTEENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Seventeenth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7527] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7527] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles

14 John Hinderaker (*pro hac vice*)

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19 *Attorneys for USACM Liquidating Trust*

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 4 in this case.
- 5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
- 6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
- 7 appointed in this case, and each has approved or disapproved the order, or failed
- 8 to respond, as indicated below (list each party and whether the party has
- 9 approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 ###

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ JH (#018024)

18 Rob Charles

19 John Hinderaker (*pro hac vice*)

20 Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
NANCY R GILMOUR IRA	FIRST SAVINGS BANK CUSTODIAN FOR PO BOX 1241 CAMANO ISLAND WA 98292-1241	10725-02380	406,008.22	203,004.11
NAYLON, DOMINIQUE	PO BOX 2 TOPAZ CA 96133	10725-02044	1,168,297.62	584,148.81
NEAL, RONALD DOUGLAS	22853 BOXWOOD LN SANTA CLARITA CA 91390-4155	10725-02170	282,277.38	141,138.69
NEVINS JT TEN, RICHARD & MICHELE	1547 BOB GOALBY LN EL PASO TX 79935	10725-02026	2,798,759.62	1,399,379.81
NEWMAN FAMILY TRUST DTD 9/20/97	LARRY J & ELSIE D NEWMAN TTEES 1775 AUTUMN VALLEY WAY RENO NV 89523	10725-02150	1,000,238.46	500,119.23
NORMA LAMB-GROVES TRUST DTD 2/18/03	NORMA LAMB-GROVES TRUSTEE 1355 PLAYER CIR ST GEORGE UT 84790	10725-02365	202,986.10	101,493.05
NOXON FAMILY TRUST	C/O ARTHUR G & JOAN NOXON TTEES 2657 WINDMILL PKWY #197 HENDERSON NV 89074-3384	10725-00972	70,853.66	35,426.83
O'RIORDAN, JOHN E & SONHILD A	2745 HARTWICK PINES DR HENDERSON NV 89052-7002	10725-01923	3,476,504.52	1,738,252.26
OGREN, WILLIAM W & BETTY R	22102 SHANNON DELL DR AUDUBON PA 19403	10725-02161	202,926.38	101,463.19
OLGA O'BUCH TRUST DTD 5/28/98	OLGA O'BUCH TTEE 140 GAZELLE RD RENO NV 89511	10725-02121	507,403.52	253,701.76